

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BRADY,

Plaintiff,

v.

SCOTT R. JONES, et al.,

Defendants.

No. 2:21-cv-0489 TLN AC P

ORDER

Plaintiff, a state prisoner<sup>1</sup> proceeding pro se and in forma pauperis, seeks relief under 42 U.S.C. § 1983. The matter has been referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 6, 2021, the complaint was dismissed on screening and judgment was entered. ECF Nos. 23, 24. Plaintiff appealed, and the U.S. Court of Appeals for the Ninth Circuit affirmed in part, reversed, in part, and remanded. ECF No. 32. The mandate has now issued. ECF No. 36.

Accordingly, pursuant to the judgment of the Court of Appeals, it is now ordered that the case shall proceed on the following claims against the following defendants:

- Claim One, alleging plaintiff's Fourteenth Amendment right to due process was violated by defendants Jones, Luke, Hampton, Pfau, and Saika when they placed and

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<sup>1</sup> At the time plaintiff filed the original complaint, he was a pretrial detainee facing federal charges and was being housed at Sacramento County Main Jail. See ECF No. 1 at 1-2.

retained plaintiff in the TSU for reasons that did not justify such a restrictive housing designation (see ECF No. 16 at 9-13);

- Claim Two, alleging plaintiff's First Amendment right to privately confer with counsel and his Sixth Amendment right to attorney-client confidentiality were violated by defendants Jones, Luke and Hampton when they failed to provide confidential settings for plaintiff's legal visits (see ECF No. 16 at 13-16); and

- Claim Three, alleging plaintiff's First Amendment right to privately confer with counsel and his Sixth Amendment right to attorney-client confidentiality were violated by defendants Jones, Hampton and Meeks when they knowingly recorded four of his legal visits (see ECF No. 16 at 16-19).

Service of the FAC is appropriate as to these claims and defendants.

Accordingly, IT IS HEREBY ORDERED that:

1. In accordance with 28 U.S.C. § 1915A and 42 U.S.C. § 1997e(c), service of the first amended complaint (ECF No. 16) and the cognizable claims therein is appropriate;

2. Plaintiff has stated cognizable claims against the following defendants, all of whom were employees of the Sacramento County Sheriff's Department during the relevant period:

- Sheriff Scott Jones;
- Commander Brandon Luke;
- Deputy Lieutenant Shaun Hampton;
- Deputy Sergeant Pfau;
- Deputy Sergeant Saika, and
- Deputy Captain Meeks.

3. If defendants either waive service or are personally served, they are required to reply to the complaint. 42 U.S.C. § 1997e(g)(2).

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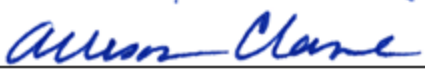
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1 Under separate order, the court shall direct that service be initiated on these defendants  
2 under the court's E-Service Pilot Program for civil rights cases for the Eastern District of  
3 California.

4 DATED: July 19, 2023

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE